

PROVINCE OF SASKATCHEWAN



2008

ANNUAL REPORT

**MINISTRY OF JUSTICE AND  
ATTORNEY GENERAL**

Public and Private Rights Board



---

# Table of Contents

<b>Letter of Transmittal .....</b>	<b>3</b>
<b>Staff .....</b>	<b>4</b>
<b>Message from the Chairman .....</b>	<b>4</b>
<b>Tables: .....</b>	<b>5</b>
a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2008 .....	5
b. Number and Nature of Claims Received by the Board in 2008 (by Expropriating Authority) .....	6
c. Number and Nature of Claims Initiated with the Board in 2008 (by Expropriating Authority) .....	6
d. Resolution of Claims Initiated with the Board in 2008 (by Expropriating Authority) .....	6
e. Number and Nature of Claims Received by the Board (1998 - 2008) .....	7
f. Number of Claims Received by the Board by Expropriating Authority (1998 - 2008) .....	8

---

---

## Letter of Transmittal



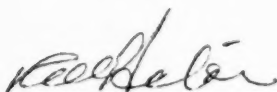
March 13, 2009

The Honourable Brad Wall  
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2008 to December 31, 2008.

Respectfully submitted,



K. W. Acton  
Chairman

---

## Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman

Verna LeBlanc, Administrative Assistant

### Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land, or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

- a. The route, situation or design of a public improvement;
- b. The amount of compensation offered for the expropriated land.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

*"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*

(Expropriation in Canada – A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p.27.)

Generally, the Board is pleased to report excellent co-operation from the various expropriating authorities willing to meet with landowners, share information, review plans and explore alternatives. However, the Board continues to have concerns about the approach taken in projects that require a landowner to vacate a home, have a home relocated or make an alteration to the yard site. These situations can result in significant stress and anxiety for landowners.

When possible, the Board prefers to take a collaborative approach in assisting landowners. In these cases, the Board's role is to provide information about the expropriation process, act as a sounding board to assist the landowner to identify issues and concerns and make contact with the appropriate official within the expropriating authority. Only in situations where this approach is unsuccessful does the Board move to a more formal dispute resolution process.

These negotiations can be complex and challenging. They are affected by economic factors, fluctuating real estate markets and expectations that public improvements will be completed quickly. Demand for the Board's involvement is expected to increase in the coming year with the focus on infrastructure renewal.

During 2009, the Board will continue working with the Ministry of Highways and other expropriating agencies to discuss potential dispute resolution improvements and to review current practices related to expropriations where a home or base of business is located.

---

## Tables

### a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2008

#### i. Number and Nature of Claims Negotiated in 2008

##### (A) Carried forward from 2007:

i) Route, Situation or Design	1
ii) Compensation	1
<i>Subtotal</i>	2

##### (B) New claims received in 2008:

i) Route, Situation or Design	3
ii) Compensation	3
iii) Claims withdrawn in 2006	1
<i>Subtotal</i>	7

#### ii. Number and Nature of Claims Completed in 2008

i) Route, Situation or Design	2
ii) Compensation	2
<b>Total</b>	<b>4</b>

#### iii. Number and Nature of Claims Carried Forward into 2009

i) Route, Situation or Design	2
ii) Compensation	3
<b>Total</b>	<b>5</b>

**b. Number and Nature of Claims Received by the Board in 2008 (by Expropriating Authority)**

<b>Expropriating Authority</b>	<b>Route, Situation or Design</b>	<b>Compensation</b>	<b>Total</b>
SaskTel	1	0	1
SaskPower	1	0	1
Highways	1	3	4
Miscellaneous	0	0	0

**c. Number and Nature of Claims Initiated with the Board in 2008 (by Expropriating Authority)**

<b>Expropriating Authority</b>	<b>Route, Situation or Design</b>	<b>Compensation</b>	<b>Total</b>
SaskTel	1	0	1
SaskPower	1	0	1
Highways	1	3	4
Miscellaneous	0	0	0

**d. Resolution of Claims Initiated with the Board in 2008 (by Expropriating Authority)**

<b>Expropriating Authority</b>	<b>Negotiated Successfully</b>	<b>Negotiated Unsuccessfully</b>	<b>Withdrawn</b>	<b>Total</b>
SaskTel	0	0	0	0
SaskPower	1	0	0	1
Highways	2	0	1	3
Miscellaneous	0	1	0	1

---

**e. Number and Nature of Claims Received by the Board (1998 - 2008)**

<b>Year</b>	<b>Route, Situation or Design</b>	<b>Compensation</b>	<b>Total</b>
1998	3	6	9
1999	0	2	2
2000	3	3	6
2001	2	2	4
2002	8	3	11
2003	1	2	3
2004	2	0	2
2005	0	5	5
2006	1	2	3
2007	3	3	6
2008	3	3	6

**f. Number of Claims Received by the Board by Expropriating Authority (1998 - 2008)**

<b>Year</b>	<b>Conservation &amp; Development Area Authorities</b>	<b>SaskTel</b>	<b>Sask Power</b>	<b>Sask Energy</b>	<b>Sask Highways</b>	<b>Miscellaneous</b>
1998	0	4	2	0	1	2
1999	0	1	0	0	0	1
2000	0	4	0	0	2	0
2001	0	1	0	0	1	2
2002	2	1	0	0	7	1
2003	0	0	1	0	1	1
2004	0	1	0	0	0	1
2005	0	1	1	0	3	0
2006	0	0	0	1	1	1
2007	0	2	0	0	3	1
2008	0	1	1	0	4	0



